



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/902,005	07/29/1997	LAURA J. BUTLER	MS1-119US	9747
22801	7590	04/19/2006	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			TRAN, HAI V	
			ART UNIT	PAPER NUMBER
			2623	

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

APR 19 2006

Technology Center 2600

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 08/902,005
Filing Date: July 29, 1997
Appellant(s): BUTLER ET AL.

Lance Sadler
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 02/10/2006 appealing from the Office action mailed 08/26/2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after Final Office action dated April 7, 2005 contained in the brief is correct and after a First Office action after RCE dated August 26, 2005 is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection under 35 U.S.C. §103 (a) to be reviewed on appeal is correct.

WITHDRAWN REJECTIONS

The following grounds of rejection are not presented for review on appeal because the rejection of claims 15 and 32 under 35 U.S.C. §101 have been withdrawn by the examiner.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,929,849	Kikinis	07-1999
WO 96/10888	Adams et al.	04-1996
5,623,656	Lyons	04-1997

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2623

1. Claims 1-43 and 45-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kikinis (US 5929849) in view of Adams (WO 96/10888).

Claim 1, Kikinis discloses a method comprising the following steps:

“transmitting a video stream” reads on the received video stream for displaying the video on Fig. 2C because Kikinis must have a mean to transmit the video stream, i.e., CATV headend .

“formatting supplemental data files in a graphical markup language” reads on the ‘Dynamic URL’ control routine in which is notoriously well known in the computer art to be files with CGI extension or Scripts with coded syntax in different format, i.e. HTML, DHTML (Dynamic HTML), XHTML (Extensible HTML) in which the Kikinis’ system must formatted at the Server/headend (col. 8, lines 5-18 and Col. 10, lines 18-25).

“each supplemental data file having instruction for rendering over on the video stream” reads on the executing the ‘Dynamic URL’ by a browser to render the “emblem BMW” over the video as shown on Fig. 2C (see Fig. 3A, el. 87 and 91; Col. 8, lines 5-37);

“transmitting the supplemental data files along with the video stream” is met by Kikinis (Fig. 3A, el. 83).

Kikinis fails to disclose “wherein formatting comprises setting transparent areas of each hyperlink overlay to a key color.”

Adams, in a similar art, discloses an interactive TV system in which the receiver also receives video stream and accompanying associated data stream of

associated data packet 84 includes an associated data payload that specifies interactive video command and control functions that perform functions such as placement of graphic objects on the display 12, rendering graphic objects on the display by setting specific screen background color of the object to be transparent (set to a key color); see page 21, lines 13-28 and page 20-22, lines 10; Thus, Adams clearly discloses instructions for rendering/overlaid objects/images by setting specific screen background color of the object to be transparent (set to a key color) on the video stream display in a synchronization manner. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kikinis with Adams' s object oriented instruction set so to enable a content programmer to able to create a video stream display screen from a programming studio and to flexibly control area around the video stream display including the definition and placement of objects/text/images over the video stream display, as suggested by Adams (pages 5-8).

Claim 2, Kikinis further discloses "formatting the supplemental data files in HTML" see Col. 9, lines 60-65+.

Claim 3, Kikinis discloses a step of transmitting the supplemental data files (Dynamic URL) for display a hyperlink overlay (reads on "emblem BMW"), as discussed in claim 1.

Kikinis does not clearly disclose a step of transmitting timing specifications with the supplemental data files indicating time for displaying the hyperlink overlays.

Adams discloses a timing specification (time stamp) is transmitted with associated data packets (supplemental data files) includes time stamp, i.e., time synchronization with the video stream when the graphical object is overlaid on the video stream at specific location of the screen (page 19, lines 16-22; page 23, lines 13-30). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kikinis with Adams to have a timing specification (time stamp) transmits with associated data packets, as taught by Adams, so additional display information could be presented to user and in sync along with the video and audio information (page 5, lines 5-15).

Claim 4, Kikinis must have a storage medium having computer executable instructions for performing steps in claim 1, as disclosed.

Claim 5, "receiving the video stream and accompanying supplemental data files" reads on Kikinis (Fig. 3A, el. 83);

"displaying the hyperlink overlays in conjunction with the video stream" reads on (Fig. 2C in which el 71 and 57 overlay with the video stream).

Claim 6, Kikinis further discloses wherein the displaying step comprises launching an HTML-compatible browser to display the hyperlink overlays (Col. 6, lines 5-7).

Claim 7, Adams further discloses the displaying step comprises displaying the video stream only in the areas of the hyperlink overlays that are set to a key color (page 23, lines 10-page 24, lines 10).

Claims 8 and 10, Kikinis further discloses wherein the displaying step comprises launching an HTML-compatible browser to display the hyperlink overlays (Col. 6, lines 5-7). Kikinis discloses hyperlink overlay (reads on "emblem BMW" of Fig. 2C).

Kikinis does not clearly disclose the formatting step comprises setting transparent areas of each hyperlink overlay to a key color, the displaying step comprises displaying the video stream only in the areas of the hyperlink overlays that are set to a key color.

Adams discloses "the step of setting transparent areas of each associated graphic/text items overlay to a key color" in which associated data packet 84 includes an associated data payload that specifies interactive video command and control functions that perform functions such as placement of graphic objects on the display 12, rendering graphic objects on the display by setting specific screen background color of the object to be transparent (the background color is set to a key color in order to be transparent); see page 21, lines 13-28 and page 20-22, lines

10; Thus, Adams clearly discloses instructions for rendering/overlaid objects/images by setting specific screen background color of the object to be transparent (the background color is set to a key color in order to be transparent) on the video stream display in a synchronization manner. Adams further discloses the displaying step comprises displaying the video stream only in the areas of the hyperlink overlays that are set to a key color (page 23, lines 10-page 24, lines 10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kikinis with Adams' s object oriented instruction set so to enable a content programmer to able to create a video stream display screen from a programming studio and to flexibly control area around the video stream display including the definition and placement of objects/text/images over the video stream display, as suggested by Adams (pages 5-8).

Claim 9, Kikinis discloses hyperlink overlay (reads on "emblem BMW") as discussed in previous claim 1.

Kikinis does not clearly disclose the formatting step comprises setting transparent areas of each hyperlink overlay to a key color, the displaying step comprises displaying the hyperlink overlay and using color keying hardware that displays video only in the display areas that are set to a key color;

Adams discloses "the step of setting transparent areas of each associated hyperlink overlay to a key color" in which associated data packet 84 includes an associated data payload that specifies interactive video command and control

functions that perform functions such as placement of graphic objects on the display 12, rendering graphic objects on the display by setting specific screen background color of the object to be transparent (set to a key color); see page 21, lines 13-28 and page 20-22, lines 10; Thus, Adams clearly discloses instructions for rendering/overlaid objects/images by setting specific screen background color of the object to be transparent (set to a key color) on the video stream display in a synchronization manner. Adams further discloses the displaying step comprises displaying the graphic/text items overlay and using color keying hardware (Adams' s el. 56 of Fig. 2 is a color keying hardware) that displays video only in the display areas that are set to a key color (page 14, lines 5-15; page 18, lines 4-17; page 23, lines 10-page 24, lines 10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kikinis with Adams' s object oriented instruction set so to enable a content programmer to able to create a video stream display screen from a programming studio and to flexibly control area around the video stream display including the definition and placement of objects/text/images over the video stream display, as suggested by Adams (pages 5-8).

Claim 11, Kikinis further discloses an additional step of displaying content targeted by such hyperlinks in response to selecting such hyperlinks (Col. 8, lines 54-Col. 9, lines 8).

Claim 12, Kikinis further discloses the formatting step comprises including hyperlinks in the Hyperlink overlays (Dynamic URL, Col. 8, lines 54-Col. 9, lines 8), the method further comprising an additional step of replacing any currently displayed Hyperlink overlay with content targeted by such hyperlinks in response to selecting such hyperlink (Col. 9, lines 60-Col. 10, lines 55).

Claim 13, Kikinis further discloses the formatting step comprises including hyperlinks in the Hyperlink overlays (Dynamic URL, Col. 8, lines 54-Col. 9, lines 8), the method further comprising an additional step of opening new viewing windows for displaying content targeted by such hyperlink (the selection of Kikinis URL link would result in opening a new window in which is well known in the Computer Art under Windows environment to display additional information; Col. 9, lines 60-Col. 10, lines 55).

Claim 14, Kikinis further discloses the formatting step comprises including hyperlinks in the Hyperlink overlays (Dynamic URL, Col. 8, lines 54-Col. 9, lines 8), the method further comprising an additional step of launching application programs as required to render content targeted by such Hyperlink (the selection of Kikinis URL link would result in opening application programs for opening a new window in which is well known in the Computer Art under Windows environment to display additional information; Col. 9, lines 60-Col. 10, lines 55).

Claim 15, Kikinis further discloses a storage medium (fig. 5, el. 49, 47 and 45) having computer executable instructions (Col. 6, lines 1-8) for performing steps in claim 5, as disclosed.

Claim 16 is analyzed with respect to claims 1, 5 and 7.

Claim 17 is analyzed with respect to claim 3.

Claims 18, 25 and 33 are analyzed with respect to claim 6.

Claims 19, 26 and 34 are analyzed with respect to Claim 9.

Claim 20 is analyzed with respect to Claim 11.

Claim 21 is analyzed with respect to Claim 12.

Claim 22 is analyzed with respect to Claim 13.

Claim 23 is analyzed with respect to Claim 14.

Claim 24, Kikinis discloses a method comprising the following steps:

Receiving a video stream (see Fig. 1 and 2AC in which the received video stream is displaying)

Associating one or more hyperlink pages with the video stream (Fig. 2B and 3A, el. 83; Col. 7, lines 10-27);

Displaying the hyperlink pages on a display (Fig. 2C in which el 71 is displayed along with el. 57 overlay with the video stream when the user uses the cursor 70 to select el. 57);

Displaying the video stream on the display in areas (see Fig. 2A and 2C in which the video stream is displayed on the display area 55 surrounding the el. 57 and el. 71).

Kikinis further discloses displaying the video stream on the display in areas (see Fig. 2A and 2C in which the video stream is displayed on the display area 55 surrounding the el. 57 and el. 71).

Kikinis does not clearly disclose the hyperlink pages having transparent areas that are set to a key color; and displaying the video stream on the display in area of displayed hyperlink page that are set to a key color;

Adams discloses transparent areas of each associated graphic object (hyperlink overlay) is setting to a key color in which associated data packet 84 includes an associated data payload that specifies interactive video command and control functions that perform functions such as placement of graphic objects on the display 12, rendering graphic objects on the display by setting specific screen background color of the graphic object to be transparent (background of the graphic object is set to a key color so to obtain a transparent background); see page 21, lines 13-28 and page 20-22, lines 10; Thus, Adams clearly discloses instructions for rendering/overlaid objects/images by setting specific screen background color of the graphic object to be transparent (set to a key color) on the video stream display in a synchronization manner. Adams further discloses displaying the graphic/text items overlay and using color keying hardware (reads on that displays video only in the

Art Unit: 2623

display areas that are set to a key color (page 14, lines 5-15; page 18, lines 4-17; page 23, lines 10-page 24, lines 10).

Adams further discloses the displaying step comprises displaying the video stream only in the areas of the hyperlink overlays that are set to a key color (page 23, lines 10-page 24, lines 10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kikinis with Adams' s object oriented instruction set so to enable a content programmer to able to create a video stream display screen from a programming studio and to flexibly control area around the video stream display including the definition and placement of objects/text/images over the video stream display, as suggested by Adams (pages 5-8).

Claims 27 and 35 are analyzed with respect to claims 25 and 26.

Claims 28 and 36 are analyzed with respect to Claim 11.

Claims 29 and 37 are analyzed with respect to Claim 12.

Claims 30 and 38 are analyzed with respect to Claim 13.

Claims 31 and 39 are analyzed with respect to Claim 14.

Claim 32 is analyzed with respect to method claim 24 in which Kikinis in view of Adams further discloses a computer-readable storage medium (Kikinis, fig. 1, el. 49 stores control routines and Adams fig. 2, el. 54 and 60 store various application program, page 15, lines 1-8).

Claim 40, Kikinis discloses a video broadcast system comprising:

A broadcast source (Fig. 1, not show) broadcasts video stream and accompanying supplemental data file (Dynamic URL; Fig. 3A shows received broadcasts video stream and accompanying supplemental data file at el. 83), "each supplemental data file having instructions for rendering a hyperlink overlay on the video stream" reads on the 'Dynamic URL' in which is notoriously well known in the computer art to be file with CGI extension or Script with coded syntax in different format, i.e. HTML, DHTML (Dynamic HTML), XHTML (Extensible HTML) in which the Kikinis' system must formatted at the Server/headend (col. 8, lines 5-18 and Col. 10, lines 18-25).

A receiver (Fig. 1) configured to receive the video stream and accompanying supplemental data file at el. 83 of Fig. 3A and to display the overlays (hyperlink overlay, for example "emblem BMW") in conjunction with the video stream (see fig. 2C).

Kikinis does not clearly disclose wherein the receiver comprises color-keying hardware that displays video only in the display areas that are set to a key color, the hyperlink overlays having transparent areas that are set to a key color.

Adams discloses "the step of setting transparent areas of each associated hyperlink overlay to a key color" wherein the associated data packet 84 includes an associated data payload that specifies interactive video command and control functions that perform functions such as placement of graphic objects on the display

12, rendering graphic objects on the display by setting specific screen background color of the object to be transparent (set to a key color); see page 21, lines 13-28 and page 20-22, lines 10; Thus, Adams clearly discloses instructions for rendering/overlaid objects/images by setting specific screen background color of the object to be transparent (set to a key color) on the video stream display in a synchronization manner. Adams further discloses the displaying step comprises displaying the graphic/text items overlay and using color keying hardware that displays video only in the display areas that are set to a key color (page 14, lines 5-15; page 18, lines 4-17; page 23, lines 10-page 24, lines 10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kikinis with Adams' s object oriented instruction set so to enable a content programmer to able to create a video stream display screen from a programming studio and to flexibly control area around the video stream display including the definition and placement of objects/text/images over the video stream display, as suggested by Adams (pages 5-8).

Claim 41 is analyzed with respect to Claim 2.

Claim 42 is analyzed with respect to Claim 3.

Claim 43 is analyzed with respect to Claim 6.

Claim 45, Kikinis discloses a receiver for receiving and displaying video stream (Fig. 1) comprising hardware 51, 53 for displaying video streams and bit-map

images to a user; a processor (Fig. 1, el. 19). Kikinis further discloses a step of transmitting the supplemental data files (Dynamic URL) for display a hyperlink overlay (reads on the "emblem BMW" is overlay on top of the video background) as discussed in claim 1.

Kikinis does not clearly disclose the displaying hardware including color keying hardware that displays video in display areas that are set to a key color; access means for reading supplemental data files that have instructions for rendering bi-mapped hyperlink overlays in conjunction with the video stream at the indicated time; a data processor that reads the supplemental data files in response displays the hyperlinks overlays at the indicated times, wherein the hyperlink overlays have transparent areas that are set to a key color, the hyperlink overlays thus appearing to overlay the video streams;

Adams (Fig. 1, el. 10) discloses display hardware 12 for displaying video streams and bit-map images to users. The display hardware including color- keying hardware that displays video in display areas that are set to a key color (Fig. 2, el. 56); Access means 54, 60 for reading supplemental data ('associated data') files that have instructions for rendering bi-mapped (graphic/text items) overlays in conjunction with the video stream at the indicated time (time stamp; page 15, lines 9-16; page 19, lines 16-22 and page 23, lines 13-20); a data processor 52 that reads the supplemental data ('associated data') files in response displays the overlays at the indicated times (page 19, lines 16-22 and page 23, lines 13-20), wherein the

overlays have transparent areas that are set to a key color, the overlays thus appearing to overlay the video streams (page 20, lines 18-page 21, lines 10; page 23, lines 10-page 24, lines 10); Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kikinis with Adams so to enable the receiver to define windows according to the specifications provided by the associated data to display received video data stream within the defined windows (page 22, lines 10-page 23, lines 2).

Claim 46, Kikinis in view of Adams further discloses an HTML-compatible browser that the data processor executes to display the hyperlink overlays (Col. 6, lines 5-7).

Claim 47, Kikinis in view of Adams further discloses displaying content targeted by such hyperlinks in response to selecting such hyperlinks (Col. 8, lines 54-Col. 9, lines 8).

Claim 48, Kikinis in view of Adams further discloses replacing any currently displayed Hyperlink overlay with content targeted by such hyperlinks in response to selecting such hyperlink (Col. 9, lines 60-Col. 10, lines 55).

Claim 49, Kikinis in view of Adams further discloses opening new viewing windows for displaying content targeted by such hyperlink (the selection of Kikinis

URL link would result in opening a new window in which is well known in the Computer Art under Windows environment to display additional information; Col. 9, lines 60-Col. 10, lines 55 in combination with the teaching Adams for graphics rendering).

Claim 50, Kikinis in view of Adams further discloses the processor is programmed to launch application programs as required to render content targeted by such Hyperlink (the selection of Kikinis URL link would result in opening application programs for opening a new window in which is well known in the Computer Art under Windows environment to display additional information; Col. 9, lines 60-Col. 10, lines 55).

(10) Response to Argument

Appellant argues (page 12, line 17-page 13, line 12) that the Office 's response to Applicant's arguments does not rise to the level of supporting a prima facie case of obviousness.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in

Art Unit: 2623

the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, the motivation of combining Kikinis with the teaching of Adams is clearly suggested by Adams' s summary page 5-8 and in the knowledge generally available to One of ordinary skill in the art at the time the invention was made in which One would recognize that modify Kikinis Dynamic URL control routines with Adams' s object oriented programming command set would be advantageous, since frameworks are based on object technology in ease of programming, extensibility, reuse of code, and integration of software from different vendors and (in some object-oriented programming models) across programming languages, in this instant Adams' "object oriented command set" of setting specific screen background color of an object to be transparent in order to overlay the object on the video stream display, see page 21, lines 10-page 22, line 10. In doing so, Adams sets the background's color of the graphic object to a "key color" in order to obtain a transparent background. Moreover, Appellant fails to provide any facts/evidences why the explanation provided from the Examiner of modifying Kikinis Dynamic URL control routines with Adams' s object oriented programming command set would not work or feasible, as combined, but merely argues that One cannot use hindsight or there is no motivation to combine or modify prior art! Such argument is NOT enough to convince the Examiner 's rejection!

Claim1:

Appellant argues, (page 20, line 1-8), "While this passage describes the notion of downloading a web page and displaying the web page in a window on a TV display, there is nothing in this excerpt or anywhere else that describes a supplemental data file having instructions for rendering a hyperlink overlay on the video stream that was transmitted in the transmitting step."

In response, the Examiner respectfully disagrees with Appellant because Kikinis clearly discloses supplemental data file (dynamic URL) having instructions for rendering a hyperlink overlay on the video stream that was transmitted in the transmitting step (see Fig. 3A algorithm in which Kikinis describes the process of Fig. 2A by following steps 83, 85, 87, 91 and at step 93 in which step 87 executes Dynamic URL Code routine so that "enhancing Identified Entity", i.e., emblem BMW 57 is identified at step 91 and the process of overlaying is done at step 93 in which emblem BMW 57 is on top of (overlay over) the frame 55 of a television presentation. Notes that frame 55 of a television presentation were processed at step 89).

Appellant argues (page 22, lines 2-10), "There is nowhere in Kikinis that appears to suggest that this data has instructions such as those recited by the claimed supplemental data files. If this is true, then the only thing that the office can be considering as a supplemental data file is the Dynamic URL. It appears, however, that the Dynamic URL is simply an URL that is "presented to the Internet" to download a web page. It does not appear that the Dynamic URL has instructions for rendering a hyperlink overlay on the video stream that is transmitted."

In response, the Examiner respectfully disagrees with Appellant because

1) Dynamic URL is NOT simply an URL, as alleged by Appellant. The Examiner, in many instances explain to Appellant that Dynamic URL is a control routine (see Kikinis, Col. 9, lines 36-40) in which is notoriously well known in the computer art to be files with CGI extension or **Scripts** with coded syntax or instruction of programming language, i.e. DHTML (Dynamic HTML), XHTML (Extensible HTML) that could be processed by Web Browser. In other word, Kikinis 's Dynamic URL is Dynamic HTML or Scripts. The Examiner cites US 5623656 to support the Examiner 's analogy (Col. 3, lines 1-10; "These variable HTML FIF scripts are referred to as dynamic HTML ("HTML-D") scripts....HTML-D scripts is then processed by script preprocessor 104 as...pre-programmed instructions within script processor 104).

2) Kikinis clearly shows in Fig. 3A shows at step 83 a data stream (Fig. 2B) is received bearing entity data and dynamic URL in a data region 63,67 separate from image frame data 61, 65. In this manner each frame has an associated data region with the image position and extent data and the associated dynamic URL. In this instant, BMW emblem 57 is identified in a scene to be broadcast, to be associated with a dynamic URL (see Fig. 3B; Col. 10, lines 18-24).

Appellant further argues (page 23, lines 1-3), "Adams does not disclose or suggest the use of key colors".

In response, Appellant is wrong and Adams clearly discloses the use of key color (page 20, lines 15-page 22, lines 10). Adams discloses “the associated data stream is carried via a **chrominance key**” at line 15-16 of page 20, various command protocol contains commands that perform various functions, i.e., “Screen background color”, page 20, lines 17-page 21, lines 10. Adams further discloses the functions 1-13 described in page 20, lines 2-page 21, line 3 could be implemented in using “object oriented” command set in which instantiate object is defined with variable value. For example variable Background with plurality of parameters: **transparent**, solid color, or repeated object (pattern); variable Foreground with parameters visible/invisible, see lines 21-24, page 21. One of ordinary skill in the art would recognized that in order to obtain a **transparent Background** of an object, the background color of the object must be set to a “key color” or **chrominance key**!

Appellant further argues (page 24, last paragraph) “Nowhere does this excerpt describe, disclose or even remotely suggest a key color”

In response, the Examiner respectfully disagrees with Appellant because Adams at least disclose at page 20, lines 15 “the associated data stream is carried via a **chrominance key**.” One of ordinary skill in the art would understand that “a chrominance key” is a “key color”. Moreover, at page 21 of the excerpt and specifically lines 21-25, “Background: **Transparent**, solid color, or repeated object (pattern); Foreground: Visible/Invisible”, Adams clearly suggests that Instantiate Object could be set with different Background color value, i.e. Transparent and the

Foreground to be either Visible/**Invisible**. As such, One of ordinary skill in the art would recognize that in order to obtain a **transparent Background** of an object, the background color of the object must be set to a "key color" or **chrominance key**. On the other hand, for setting the Foreground of an object to be **Invisible**, the foreground color of the object should be also set to a "key color". In this instant, Adams Fig. 8 shows plurality of objects, i.e., buttons with images of related items for sale, video windows, text window describing the item in the video window, overlay on top of the screen 50. In doing so, the background color of each corresponding objects must be set to a "key color" so that the objects displays on the screen 50 seem to be afloat on top of the background color of the screen 50.

Claim 2

Appellant argues (page 25, lines 19-21), "Again, while the web page would certainly contain HTML, there is nothing in Kikinis that indicates that the HTML has instructions for rendering a hyperlink overlay on the video stream."

In response, the Examiner respectfully disagrees with Appellant because Appellant again misconstrues Kikinis 's Dynamic URL (Kikinis, Col. 9, lines 25-40) to a standard HTML page. Kikinis clearly discloses supplemental data file (dynamic URL) having instructions for rendering a hyperlink overlay on the video stream that was transmitted in the transmitting step (see Fig. 3A algorithm in which Kikinis describes the process of Fig. 2A by following steps 83, 85, 87, 91 and at step 93 in which the step 87 execute Dynamic URL Code routine so that "enhancing Identified

Entity", i.e., emblem BMW 57 is identified at step 91 and the process of overlaying is done at step 93 in which emblem BMW 57 is on top of the frame 55 of a television presentation. Note that frame 55 of a television presentation was processed at step 89).

Claim 3:

Appellant argues (page 26, lines 15-18-24), "First, insofar as neither reference discloses or suggests supplemental data files as recited in this claim, it is virtually impossible for either reference to disclose or suggest transmitting timing specifications associated with such non-existent supplemental data files."

In response, the Examiner respectfully disagrees with Appellant because as discussed above, both Kikinis and Adams disclose transmitting supplemental data files, i.e., Dynamic URL in Kikinis and Associated data in Adams's Fig. 4.

Appellant further argues (page 26, lines 18-25), "Second, as Kikinis doesn't disclose supplemental data files as recited in this claim, it does not appear that it would suffer from any synchronization problems that could be cured from the solution offered by Adams. Moreover, even if Kikinis did disclose such supplemental data file (which It does not), it would appear that Kikinis has already taken into account any synchronization issues in its specific solution (i.e., providing the URL frame adjacent to the image with which it is associated).

In response, the Examiner respectfully disagrees with Appellant's remark because 1) Both Kikinis and Adams disclose supplemental data files, i.e., Dynamic URL in Kikinis and Associated data in Adams's Fig. 4.

2) Kikinis is silent about the step of transmitting timing specifications with the supplemental data files. Since Kikinis is silent about the step of transmitting timing specifications with the supplemental data files, as claimed, it is unclear how Appellant concludes that Kikinis has already taken into account any synchronization issues in its specific solution WITHOUT providing any clear explanation or showing facts that would NOT suffer from any synchronization problems. As such, Appellant reasoning is nonsense, ridiculous and baseless, unless Appellant able to show where in Kikinis' s reference states that Kikinis has already taken into account any synchronization issues in its specific solution.

Claim 5:

Appellant argues (page 27), "Because neither reference discloses or suggests supplemental data files as recited in claim 1, it is virtually impossible for the references to disclose or suggest receiving any such video stream and accompanying data files and display the hyperlink overlays in conjunction with the video stream.

In response, the Examiner respectfully disagrees with Appellant because, as previously discussed in claim 1, Kikinis discloses (Fig. 3A, el. 83; Col. 9, lines 25-50) receiving such video stream and accompanying data files in which Fig. 2B shows

video stream accompanying data files at el. 63,67 and Fig. 3A, el. 93 discloses the process of displaying the hyperlink overlays in conjunction with the video stream, as shown in Fig. 2A. Moreover, Adams also discloses video stream with supplemental data files, i.e., Associated data in Adams's Fig. 4.

Claim 7:

Appellant argues (page 27), "Applicant disagrees. This excerpt cited by the Office simply describes the notion that packets are received and command functions associated with the packets are executed. In addition, packets include commands for the placement of graphical windows and that selection regions for a display surface on a display device can be specified. Nowhere does this excerpt disclose or suggest displaying the video stream only in the areas of the hyperlink overlays that are set to a key color."

In response, quite frankly, the Examiner respectfully disagrees with Appellant because the Examiner is very confused as to why Appellant continues to disagree with the Examiner rejection by misconstruing again and again both references Kikinis and Adams. Appellant further keeps attacking references individually where the rejections are based on combinations of references. In this instant, Kikinis shows in Fig. 2 A that video stream 55 displaying only in the areas of the screen that does not have emblem BMW 57. Kikinis does not show the area around the emblem BMW (area surrounding the hyperlink overlay) that are set to a key color. Adams' s cited excerpt (page 23, lines 10-page 24, lines 10) teaches how the

objects of Fig. 4, i.e., buttons with images of related items for sale, video windows, text window describing the item in the video window, are placed on selected region for displaying and how the surrounding area of each of the objects is set to a "key color" in which it is already discussed in claim 1. As such the combination of Kikinis in view of Adams meets claim 7.

Claims 8-10:

Appellant again argues, "Nowhere does this excerpt even remotely hint at color keying video hardware."

In response, the Examiner respectfully disagrees with appellant and further believes Appellant refuses to accept that Adams system (Fig. 2) has a "Graphic Display subsystem", i.e., el. 56 performs the step of displaying various objects with their background are set to a "key color", as discussed in claim1. Hence, Adams' s el. 56 of Fig. 2 is a color keying hardware.

Claims 11-50:

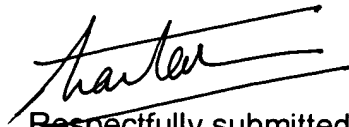
Appellant repeats again and again with the same previously presented arguments by merely stating, "the reference not disclosing or suggesting supplemental data files; the reference not disclosing or suggesting key colors and the references not disclosing or suggesting color keying hardware."

The examiner asserts that Kikinis in view of Adams discloses supplemental data files; key colors and the references disclose color keying hardware, as previously discussed.

For the above reasons, it is believed that the rejection should be sustained.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.


Respectfully submitted,
HAI TRAN
PRIMARY EXAMINER

HT:ht
April 14th, 2006


Conferees:

Chris Grant:

Christopher Kelley:

Lance R. Sadler
Lee & Hayes, PLLC
421 W. Riverside Avenue, Suite 500
Spokane, WA 99201


CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600


CHRISTOPHER GRANT
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800